

Serial No. 10/039,452 (K-C 17725)  
Response to Office Action dated 11/18/2003

### Remarks

The description and claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. Claims 1-17, 28-36, and 38-51 have been canceled. The amendments are clearly supported by the original disclosure, particularly at page 6, lines 18-20; page 13, lines 3-7; original FIGs. 5 and 14-17; and at original claims 19 and 21. Reconsideration of the present application in view of the foregoing amendments and the following remarks is requested.

The present invention provides an absorbent article comprising an absorbent, a cover, and a liquid impermeable baffle, the absorbent article being configured for disposition within a vestibule of a female wearer. The article has a lower surface, and a lower surface of the baffle forms at least a portion of the lower surface of the absorbent article. The lower surface of the absorbent article is adapted to define a finger-receiving area of dimensions sufficient to at least temporarily receive at least a portion of at least one finger of the wearer in a manner that allows at least that portion of the finger to be positioned substantially parallel to a principal axis of the absorbent article. Further aspects and features of the invention are set forth in the specification and claims.

The absorbent article of the present invention can provide an improved ease of use, particularly during the placement and/or removal of the labial pad. During the placement and/or removal, the article can help minimize finger-contact with the body-facing surface of the absorbent article, and can facilitate a sanitary disposition of the article into an appropriate position within the wearer's vestibule, as well as a sanitary removal of article from the vestibule.

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,336,208 to Rosenbluth et al. (hereinafter Rosenbluth). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Rosenbluth discloses a device for managing urinary incontinence in a human female includes a resilient body adapted to fit between the labia minora and the floor of the vestibule of the vulva, thereby occluding the urethral meatus. An adhesive is applied to the body to provide a sealing engagement with the urethral meatus. In a first embodiment, the body has a base that seats against the floor of the vestibule, and a pair of flexible, lateral flaps that engage the labia minora. A layer of adhesive is applied to the base. A layer of highly-absorbent, hydrophilic material may be situated between the base and the adhesive layer, and/or a layer of scrim material may be so situated. The body may have a longitudinal ridge with a posterior edge having a finger hole to facilitate installation and removal of the device. In a second embodiment, the body is substantially tubular, with the adhesive applied to the exterior surface of the body. In the first and second

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embodiments, the body is preferably formed of a biodegradable material. In a third embodiment, the body is a flexible bladder or sac, filled with a suitable liquid or gel, that conformingly fits between the labia minora and the floor of the vestibule so as to occlude the urethral meatus. The exterior surface of the bladder is coated with an adhesive to provide a sealing engagement with the meatus. In all embodiments, the preferred adhesive is a mixture of poly 2-hydroxyethyl methacrylate and polyethylene glycol.

Rosenbluth, however, does not disclose or suggest an absorbent article having a lower surface and including an absorbent, a cover, and a liquid impermeable baffle, wherein a lower surface of the baffle forms at least a portion of the lower surface of the absorbent article, as called for by Applicants' currently presented claims. Rosenbluth also does not disclose or suggest an absorbent article wherein the cover and the baffle have peripheries which extend outward beyond a periphery of the absorbent and are peripherally joined together to form an edge, as called for by the currently claimed invention. Neither does Rosenbluth teach an absorbent article which is configured to provide a recess formed by folding the absorbent article substantially about the principal axis, such folding resulting in the lower surface of the absorbent article having substantially identical halves facing and opposing each other. Additionally, Rosenbluth does not disclose or suggest an absorbent article having at least one point of juncture situated within the recess and located on the lower surface of the absorbent article, the point of juncture at least temporarily joining portions of the lower surface of the backsheet on the opposed and facing halves of the lower surface of the article to define the finger-receiving area, as called for by Applicants' currently presented claims. As a result, when compared to Applicants' claimed invention, the structures taught by Rosenbluth would be less able to provide a desired ease of use, or sanitary disposition and removal of the article. It is, therefore, readily apparent that Rosenbluth does not disclose or suggest Applicants' currently claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Claims 1 and 18 have been rejected under 35 U.S.C. § 102(e) 6,554,813 to Kolby-Falk. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

As described by Kolby-Falk, an absorbent sanitary protection device, designed so as to be worn intralabially, includes an absorption body with a first surface which is intended to face a wearer during use and a second surface which is intended to face away from the wearer during use. The absorption body of the sanitary protection device is made from a preformed, dehydrated hydrogel and is in the shape of a spoon with a cup-shaped portion arranged on the first surface and an

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elongate handle-shaped portion which, by way of the preforming, includes a portion which, on wetting, swells and forms a raised portion on the first surface of the protection device.

Kolby-Falk, however, does not disclose or suggest an absorbent article having a lower surface and including an absorbent, a cover, and a liquid impermeable baffle, wherein a lower surface of the baffle forms at least a portion of the lower surface of the absorbent article, as called for by Applicants' currently presented claims. Kolby-Falk also does not disclose or suggest an absorbent article wherein the cover and the baffle have peripheries which extend outward beyond a periphery of the absorbent and are peripherally joined together to form an edge, as called for by the currently claimed invention. Neither does Kolby-Falk teach an absorbent article which is configured to provide a recess formed by folding the absorbent article substantially about the principal axis, such folding resulting in the lower surface of the absorbent article having substantially identical halves facing and opposing each other. Additionally, Kolby-Falk does not disclose or suggest an absorbent article having at least one point of juncture situated within the recess and located on the lower surface of the absorbent article, the point of juncture at least temporarily joining portions of the lower surface of the backsheet on the opposed and facing halves of the lower surface of the article to define the finger-receiving area, as called for by Applicants' currently presented claims. As a result, when compared to Applicants' claimed invention, the structures taught by Kolby-Falk would be less able to provide a desired ease of use, or sanitary disposition and removal of the article. It is, therefore, readily apparent that Kolby-Falk does not disclose or suggest Applicants' currently claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Claims 1-3 and 18-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/57610 by Osborn. This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

Osborn discloses an absorbent interlabial device worn by female wearers for catamenial purposes, incontinence protection, or both. The absorbent interlabial device includes a liquid pervious topsheet, a liquid impervious backsheet, and an absorbent core positioned between the two. The length of the device is between about 60 mm about 130 mm. The width is between about 25 mm and about 50 mm. The device has an axis of preferred bending along its longitudinal centerline. When folded along the axis and inserted into the wearer's interlabial space, the topsheet maintains contact with the walls of the wearer's labia.

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Osborn, however, does not disclose or suggest an absorbent article having at least one point of juncture located on the lower surface of the absorbent article and situated within a recess formed by folding the absorbent article substantially about a principal axis, as called for by Applicants' currently presented claims. Neither does Osborn teach a structure in which the point of juncture at least temporarily joins portions of the lower surface of the backsheet on opposed and facing halves of the lower surface of the article to define a finger-receiving area, as called for by Applicants' claimed invention. As a result, the structures taught by Osborn would be less able to provide a desired ease of use, and sanitary disposition and removal of the article. It is, therefore, readily apparent that Osborn does not disclose or suggest Applicants' currently claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Claims 1-6, 8-9, 18-23, 25-26 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent 4,631,062 to Lassen et al. (hereinafter Lassen). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

Lassen discloses a labial pad (30) having an anatomically conformable configuration with a generally ovate geometry defined by a principal longitudinal axis (L), a minor transverse axis (T) and a generally orthogonal lateral or height axis (H). The labial pad comprises a laterally upwardly directed projection (52) lying generally along the longitudinal axis within the posterior region (54) of the pad and having a prominence (64) proximate the distal end (60) thereof tapering toward the proximal end (58) along the longitudinal axis and to the opposed sides (62) along the transverse axis, wherein the projection is configured for disposition within the vestibule (32) of a wearer over a region bounded generally by the posterior labial commissure (36) and the labia terminating at or about the latter and extending forwardly therefrom over the vulva, to occlude the vestibule against flow of menses or the like while protecting the urogenitals from chafing contact.

Lassen, however, does not disclose or suggest an absorbent article having at least one point of juncture located on the lower surface of the absorbent article and situated within a recess formed by folding the absorbent article substantially about a principal axis, as called for by Applicants' currently presented claims. Neither does Lassen teach a structure in which the point of juncture at least temporarily joins portions of the lower surface of a backsheet on opposed and facing halves of the lower surface of the article to define a finger-receiving area, as called for by Applicants' currently claimed invention. As a result, the structures taught by Lassen would be less able to provide a desired ease of use, and sanitary disposition and removal of the article. It is, therefore, readily apparent that Lassen does not disclose or suggest Applicants' currently claimed invention.

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Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Claims 1-6, 8-9, 18-23, 25-26 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent 4,595,392 to Johnson et al. (hereinafter Johnson). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

Johnson discloses an interlabial pad as having a cylindrodially-shaped central portion and oppositely disposed flaps. The method for forming the interlabial pad involves folding a pad blank along the central longitudinal axis and gathering and attaching the blank at spaced-apart portions below the fold line to form a cylindrodially shaped central member with flaps depending radially therefrom. A fluid impermeable baffle can be applied to the bottom of the previously formed, cylindrodially-shaped interlabial pad, and the baffle can be punctured. It is also possible to cast the baffle on the pad blank prior to shaping, and the baffle will follow the bottom of the pad during forming. As taught by Johnson, one or more fingers can be aligned along a non-longitudinal axis, which is directed generally along a top-to-bottom thickness dimension of the article.

Johnson, however, does not disclose or suggest an absorbent article having a lower surface and including an absorbent, a cover, and a liquid impermeable baffle, wherein the cover and the baffle have peripheries which extend outward beyond a periphery of the absorbent and are peripherally joined together to form an edge, as called for by the currently claimed invention. Additionally, Johnson does not disclose or suggest an absorbent article having at least one point of juncture located on the lower surface of the absorbent article and situated within a recess formed by folding the absorbent article substantially about one of the principal longitudinal or transverse axes, the point of juncture at least temporarily joining portions of the lower surface of the backsheet on the opposed and facing halves of the lower surface of the article to define a finger-receiving area that allows at least a distal portion of said at least one finger to be positioned substantially parallel to the selected principal longitudinal or transverse axis, as called for by Applicants' currently presented claims. As a result, when compared to Applicants' claimed invention, the structures taught by Johnson would be less able to provide a desired ease of use, or sanitary disposition and removal of the article. It is, therefore, readily apparent that Johnson does not disclose or suggest Applicants' currently claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Claims 1 and 18 have been provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1 and 11 of copending U.S. Application No. 10/037,286 (2002/0193771).

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In view of the amendments to the claims, it is respectfully submitted that the currently presented claims do not claim the same invention as that of claims 1 and 11 of copending U.S. Patent Application Serial No. 10/037,286 (2002/0193771).

The prior art of record and not relied upon has been considered pertinent to Applicants' disclosure. It is readily apparent that such art does not disclose or suggest the invention called for by Applicants' currently presented claims.

Additionally, the Examiner's attention is drawn to the Information Disclosure Statement which was filed by telefax on October 28, 2003. The Examiner is requested to make of record the receipt and review of the documents listed therein.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of the currently presented claims are earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

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